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June 30, 2009

VIA E-FILING

The Honorable Anne K. Quinlan
Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Re: Docket No. 42110, Seminole Electric
Cooperative, Inc. v. CSX Transportation, Inc.

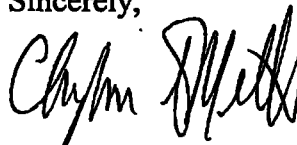
Dear Secretary Quinlan:

Enclosed for filing in the referenced proceeding please find Complainant's
Unopposed Second Petition to Revise Procedural Schedule.

Please provide electronic receipt of this filing.

Thank you for your attention to this matter.

Sincerely,



Christopher A. Mills

CAM:lad
Enclosure

cc: Counsel for Defendant per Certificate of Service

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**SEMINOLE ELECTRIC COOPERATIVE,
INC.**

Complainant,

v.

CSX TRANSPORTATION, INC.

Defendant.

Docket No. 42110

**COMPLAINANT SEMINOLE ELECTRIC COOPERATIVE, INC.'S
UNOPPOSED SECOND PETITION TO REVISE PROCEDURAL SCHEDULE**

Pursuant to 49 C.F.R. Parts 1104.7(b) and 1115.5(a), Complainant Seminole Electric Cooperative, Inc. ("SECI") respectfully requests that the Board modify the current procedural schedule for this case by extending all evidentiary and briefing due dates by approximately 30 days. The current and proposed due dates (which take into account dates that would otherwise fall on weekends or holidays) are as follows:

<u>Filing</u>	<u>Current Due Date</u>	<u>Proposed Due Date</u>
Complainant's opening evidence	July 31, 2009	August 31, 2009
Defendant's reply evidence	November 18, 2009	December 18, 2009
Complainant's rebuttal evidence	January 8, 2010	February 8, 2010
Closing briefs	January 28, 2010	March 1, 2010

Counsel for SECI has discussed the revised schedule proposed above with counsel for Defendant CSX Transportation, Inc. ("CSXT"), and CSXT has authorized SECI to represent to the Board that CSXT does not oppose or support the relief requested herein. On information and belief, CSXT will reply separately to this Petition.

The current evidentiary and briefing schedule for this case was established by the Board's decision served May 8, 2009. That decision granted a petition filed on April 30, 2009 by SECI (with CSXT's concurrence) for an approximate sixty-day extension of the original evidentiary/briefing due dates established in the Board's decision served December 11, 2008. The principal basis for that Petition was that the discovery process had proven more complex than the parties originally envisaged, leading SECI to require more time to complete its analysis of data provided by CSXT, assemble the SARR traffic group, and develop and finalize the other components of its SAC analysis.

Good cause exists now to extend the evidentiary and briefing due date by an additional 30 days. Due to circumstances largely beyond the parties' control -- such as the timing of third party responses to production notifications for contracts subject to confidentiality restrictions -- the conclusion of the discovery process has extended longer than anticipated. Additionally, the CSXT traffic data that must be processed and analyzed in order to identify an optimal traffic group is more complex and less homogenous than the traffic data bases involved in most other recent coal rate cases, which has contributed further to making the overall case preparation process more time-consuming.

The need to develop revenue divisions for cross-over traffic using the Board's new ATC methodology and the need to develop revenue/variable costs ratios for all members of the SARR traffic group using the Board's new MMM methodology¹ also contributes to the grounds for this request. The process now required to develop a SAC analysis under the *Major Issues* procedures is more iterative than linear, as the identification of traffic that may be appropriate for inclusion in the traffic group must be followed by application of the ATC procedure -- which includes both on-SARR and off-SARR variable cost calculations -- to determine the revenues available to the SARR from such traffic and, thus, whether it is optimally efficient to include it. When applied to a potential traffic group as complex as the one involved in this case, execution of the methodology is very time-consuming, over and above the time that has been required by the parties to sort out the understandable difficulties with the traffic, revenue and car/train movement data provided by CSXT during the discovery process.² The current due date of July 31, 2009 for the submission of SECI's Opening Evidence does not allow sufficient time to complete the necessary analyses and evidentiary presentation, in light of the foregoing exigencies and considerations.

SECI is mindful of the Board's reluctance to grant extensions of the procedural schedule in SAC cases, and only makes this request for a second extension out

¹ This is the first rate case in which the new procedures prescribed in *Major Issues In Rail Rate Cases*, STB Ex Parte No. 657 (Sub-No. 1), STB served Oct. 30, 2006 ("*Major Issues*"), have been followed from scratch.

² These difficulties were described at pp. 3-4 of SECI's first Petition to Revise Procedural Schedule filed April 30, 2009.

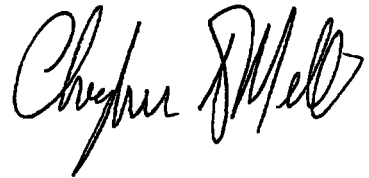
of necessity. SECI further represents to the Board that it does not intend to seek any further extension of the schedule for submission of Opening Evidence beyond that proposed in this Petition.

For the foregoing reasons, good cause exists to modify the evidentiary and briefing due dates as requested herein. Accordingly, the Board should grant SECI's Petition and modify the schedule as proposed above.

Respectfully submitted,

SEMINOLE ELECTRIC
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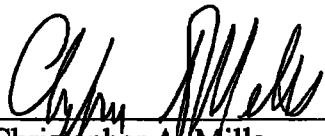
Dated: June 30, 2009

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2009, I caused copies of the foregoing Petition to be served by hand-delivery on counsel for Defendant CSX Transportation, Inc., as follows:

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Matthew J. Warren, Esq.
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